

### REMARKS

Initially, Applicants respectfully request that the Examiner provide a signed and initialed copy of the Form-1449 submitted with the June 6, 2003 Information Disclosure Statement. A copy of the 1449 is attached hereto for the Examiner's convenience.

Claims 27 and 29-32 are pending in the application.

The claimed invention is a culture device for inducing activation of immunosuppressive cells, wherein the culture device is coated with:

- (1) the F(ab)<sub>2</sub> fragment of the anti-CD2 antibody TS2/18; and
- (2) at least one anti-CD3 antibody.

*Q to Enter 10/2 4/23/04*

**I. Rejections Under 35 U.S.C. § 103(a)**

(A) Claims 27, 29 and 30 remain rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,171,799 to Skibbens (hereinafter '799) in view of Schwarz *et al.* and Jones *et al.* The Examiner asserts that the '799 patent teaches a device for culturing immunosuppressive cells where the device is coated with the anti-CD3 antibody OKT3, Schwarz *et al.* teach the inhibitory effects of the anti-CD2 antibody TS2/18 on T cell activation, and Jones *et al.* teach that whole antibodies and F(ab)<sub>2</sub> fragments may be used interchangeably. The Examiner further contends that there is a motivation to combine the teachings of '799 with those of Schwarz *et al.* since it is *prima facie* obvious to combine two or more compositions that have the same purpose to create a third composition for the same purpose. The Examiner also contends that there is a motivation to combine the teachings of Jones *et al.* with those of '799 and Schwarz *et al.*, because Jones teaches that F(ab)<sub>2</sub> fragments are sometimes preferred over whole antibodies.